**Date Reviewed**

April 2024

**Course**

[Social Studies 10](https://curriculum.gov.bc.ca/curriculum/social-studies/10/core)

**Topic**

Rule of Law

**Big Idea**

The development of political institutions is influenced by economic, social, ideological, and geographic factors.

**Essential Question**

How does the rule of law contribute to a free society and how would its absence affect society?

**Content**

*Students are expected to know the following:*

* Government
	+ Branches of government - judicial

**Curricular Competencies**

*Students are expected to be able to do the following:*

* Make reasoned ethical judgments about actions in the past and present, and assess appropriate ways to remember and respond
* Assess the significance of people, places, events, or developments, and compare varying perspectives on their significance at particular times and places, and from group to group

**Core Competencies**

[Communication](https://curriculum.gov.bc.ca/competencies/communication) - I can explain the concept of “rule of law” coherently.

[Thinking](https://curriculum.gov.bc.ca/competencies/thinking) - I can analyze situations and identify consequences when the rule of law has not been applied in Canada or elsewhere.

[Personal and Social](https://curriculum.gov.bc.ca/competencies/personal-and-social) - I can consider why the rule of law is essential to free society.

**First People’s Principles of Learning**

Learning involves recognizing the consequences of one’s actions.

Learning involves generational roles and responsibilities.

**Introduction**

* Go through the following scenarios adapted from “[The Rule of Law: What is it? Why should we care?](https://www.lawnow.org/the-rule-of-law-what-is-it-why-should-we-care/)” By Barbara Billingsley
	+ **Imagine …** Living in a society where one day, while you are safely and reasonably driving your new car down the street, you are pulled over and arrested solely because the arresting police officer doesn’t like the colour of your car. After being released from jail, you paint your car another colour and then are pulled over and arrested again because a different police officer doesn’t like the new colour of your car.
	+ **Imagine …**Living in a society where the government prohibits murder but refuses to arrest or prosecute a high-ranking government official who intentionally shoots and kills an innocent person for no discernible reason in front of several eye-witnesses.
	+ **Imagine …**Living in a society where, at any moment, without any warning and without following any particular procedure, the government could seize your phone or your bank account.
* Ask students what it would be like living in a world like that.
	+ What is wrong with the above scenarios?
	+ What is the common feature that is missing?
* It’s the Rule of Law. Discuss how when laws are arbitrary, when certain people can act with impunity, and there is no due process society would be in chaos.
	+ Describe the recent situation in Haiti and how the rule of law is breaking down: how gangs launched co-ordinated attacks on key facilities, forcing the resignation of the country’s prime minister (aka no government). It has resulted in mass chaos, where looting of aid has happened and communities are on the brink of famine.

**Pre-Assessment**

* Write preamble to Canadian Charter of Rights and Freedoms on the board: Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law.
	+ Have students share with someone close what they first think of when seeing these words, particularly “rule of law.”
* After a few minutes, ask students what they discussed. Then, share that the rule of law is the idea that in order to function smoothly and fairly, all members of a society agree to abide by a common set of rules, called ‘the law’.
* Show [Rule of Law: Civics Basics](https://www.youtube.com/watch?v=y3am4T5LuKU) video until at least 4:03 (7:27), it is important to point out that this is an American video but concept is the same. Share that while it is perhaps imperfect, other countries believe in it too.
* Have students generate 1-2 questions each on little slips of paper or sticky notes after learning some topic throughout this lesson. Then have students bring them to you and have an assistant write those questions on a whiteboard somewhere in the room and monitor them when they are answered.

**Interactive Learning Activities**

Part 1: World Justice Index Activity

* Send students to the [www.WorldJusticeProject.org](http://www.WorldJusticeProject.org) and specifically to the Rule of Law Index
* Break students into 8 groups and assign each one a rule of law “factor” (constraints on government power; absence of corruption; open government; fundamental rights; order and security; regulatory enforcement; civil justice; and criminal justice)
* Note that the index is a 0.0-1.0 scale where 1.0 is full adherence to the rule of law. The higher the number (greener), the stronger the country is in the rule of law. The lower the number (redder), the further away the country is from the rule of law.
* Ask students to:
	+ First find their factor to better understand its definition, as well as what sub-factors fall under it and their definitions. Keep the “[Factors](https://worldjusticeproject.org/rule-of-law-index/factors/2023/)” tab open to refer back. Examples below if students are struggling with the sub-factor concepts:
		- 4.1 Equal Treatment and Absence of Discrimination: identity results in being treated differently/worse. Examples: racial/gender discrimination, more people of colour in prison or not chosen for well-paying jobs
		- 2 Absence of Corruption (all sub-factors): public officials use their position for gains, whether personal, financial or connections. Examples: Legislator takes money from a lobbyist and then votes in favor of the bill the lobbyist is pushing; Supreme Court Justice receives lavish gifts and trips from “friends” who then have cases in front of the Court where the Justice decides in their favor.
	+ Then, in another tab, find Canada and go into the specific factor they have been assigned (left column)
	+ Summarize and give key takeaways about what they read.
* If students finish early, have them look at the scores of lower indexes of the rule of law and ask themselves why they don’t rank higher.
* After that, provide some examples (below) of which sub-factors where Canada does well and does not do well.
	+ Canada does well:
		- Constraints on Government Power – Transition of Power is Subject to the Law (0.95)
		- Absence of Corruption – Government Officials in the Judicial Branch do not Use Public Office for Private Gain (0.95)
		- Fundamental Rights – The Right to Life and Security of the Person is Effectively Guaranteed (0.95)
		- Fundamental Rights – Freedom from Arbitrary Interference of Privacy is Effectively Guaranteed (0.91)
		- Order and Security – Civil Conflict is Effectively Limited (1.0)
		- Regulatory Enforcement – Government Regulations are Applied and Enforced Without Improper Influence (0.95)
		- Regulatory Enforcement – Due Process is Respected in Administrative Proceedings (0.91)
		- Civil Justice – Civil Justice is Free of Corruption (0.90)
		- Criminal Justice – Criminal System is Free of Improper Government Influence (0.94)
	+ Canada does not do well:
		- Open Government – Right to Information (0.65)
		- Fundamental Rights – Equal Treatment and Absence of Discrimination (0.62)
		- Regulatory Enforcement – Administrative Proceedings are Conducted without Unreasonable Delay (0.66)
		- Civil Justice – People can Access and Afford Civil Justice (0.57)
		- Civil Justice – Civil Justice is Free of Discrimination (0.53)
		- Civil Justice – Civil Justice is not Subject to Unreasonable Delay (0.46)
		- Criminal Justice – Criminal System is Impartial (0.54)
* Ask students to discuss
	+ why it has/has not gone well in that sub-factor (aka think about history)
	+ how the sub-factor may have an impact on the rule of law in Canada
* Additional discussion questions:
	+ Do we either have the rule of law or not?
	+ What risks are there of Canada slipping in the rankings?

Part 2: Case Study - Roncarelli v Duplessis

* Split the class into six groups and have students read the case study of Supreme Court of Canada case “Roncarelli v Duplessis”.
* Have students discuss the case and answer the accompanying questions.
* Have each group present their answers to one of the case study questions to the rest of the class, and invite other groups to add on if they would like.

**Post-Assessment**

* Reflection: How does the rule of law contribute to a free society and would you live in a society without the rule of law?
* Check the question monitoring to determine if all have been answered, and answer the remaining or commit to finding the answer for next time.
* Have a quick debrief about the case study, and introduce the concept of lawyer independence (see Lawyer Independence lesson plan) to help prep for that lesson.

**Extension Activities**

* Have students listen to an episode of the [Rule of Law Matters Podcast](https://www.lawsociety.bc.ca/our-initiatives/rule-of-law-and-lawyer-independence/rule-of-law-matters-podcast/). (suggested: Season 1, Episodes 4 and 5 in particular).
	+ If there is time, listen to Episode 4 in class and have students follow up with Episode 5 for additional information.
	+ Have students summarize the episode by using the [5Ws + H](https://k12.thoughtfullearning.com/minilesson/asking-and-answering-5-ws-and-h-questions) questions.
* Have students read other cases: *Edwards v. Canada* and *United States v. Nixon*, and the Torture Memos from the Iraq War
	+ Give each group their own case and have them either jigsaw or share-out in the original major activity.
	+ Or, have students summarize the cases by using the [5Ws + H](https://k12.thoughtfullearning.com/minilesson/asking-and-answering-5-ws-and-h-questions) questions.

**Additional References**

“What is the Rule of Law - and why does it matter?” 2020. Provincial Court of British Columbia. <https://www.provincialcourt.bc.ca/enews/enews-04-11-2020>

Rule of Law Matters Podcast. 2022. Law Society of British Columbia. <https://www.lawsociety.bc.ca/our-initiatives/rule-of-law-and-lawyer-independence/rule-of-law-matters-podcast/>

“The Rule of Law.” 2023. Lexis Nexis Canada. <https://www.lexisnexis.ca/en-ca/about-us/rule-of-law.page>

“How The Rule of Law Promotes Prosperity.” 2019. PolicyEd on YouTube. <https://www.youtube.com/watch?v=4Z_dswLk-58>

“What does the rule of law have to do with me?” 2020. UNESCO on YouTube. <https://www.youtube.com/watch?v=aVhb5ltMHC4>

“In Brief: Rule of Law.” 2012. Ontario Justice Education Network. <https://ojen.ca/wp-content/uploads/In-Brief_Rule-of-Law.pdf>

“What is Magna Carta?” 2015. British Library on YouTube. <https://www.youtube.com/watch?v=7xo4tUMdAMw>

**Materials and Resources**

Case Study: Roncarelli v Duplessis

**CASE STUDY: RONCARELLI v DUPLESSIS**

*This worksheet is adapted from the Ontario Justice Education Network*

*DEFINITIONS*

* Complainant: the party who makes the complaint in a legal action or proceeding
* Post bail: an amount of money that a person who has been accused of a crime pays so that they can be released until their trial. If they do not post bail, they stay in jail until their trial.
* Damages: a sum of money claimed or awarded in compensation for a loss or an injury.
* Appeal: apply to a higher court for a reversal of the decision of a lower court.
* Overturn: to disagree with and reverse a decision made earlier by a lower court
* Jurisdiction: the official power to make legal decisions and judgments.
* Diplomatic immunity: protection against prosecution, exempt from the law

*CASE*

Roncarelli v Duplessis is a Canadian case which illustrates the significance and function of the rule of law. This case took place in Québec during a time where there was immense tension between the

dominant Roman Catholic Church and other religious groups.

The complainant, Mr. Roncarelli, was a successful restaurant owner in Quebec and a very active member of the Jehovah’s Witness community. Mr. Roncarelli often helped Jehovah’s Witnesses who were arrested by posting their bail so that they could continue their lives outside of prison while awaiting trial. In fact, he did so more than 350 times in a three-year period.

Many Catholic politicians and public officials were not happy with his involvement. As a result, the chief prosecutor contacted the Premier, Mr. Duplessis, to inform him about Mr. Roncarelli’s actions. Mr. Duplessis took it upon himself to contact the Québec Liquor Commission and had Mr. Roncarelli’s liquor license revoked.

Mr. Roncarelli lost money and eventually had to sell his business. When he discovered why he had lost his liquor licence, Mr. Roncarelli brought court action against Mr. Duplessis suing him for damages.

The Québec Court of Queen’s Bench decided in Mr. Roncarelli’s favour and ordered Mr. Duplessis to compensate Mr. Roncarelli. Mr. Duplessis appealed the decision to the Québec Court of Appeal,

which overturned the lower court’s decision. Mr. Roncarelli then appealed that decision to the Supreme Court of Canada (SCC), which reinstated the original trial decision.

In a majority decision, the SCC ruled that Mr. Duplessis wrongfully caused the revocation of Mr. Roncarelli’s liquor license and that it was outside of his jurisdiction as Premier to do so. The SCC also ruled that Mr. Duplessis, in his role as a Premier, was not entitled to diplomatic immunity and is not above the law.

*QUESTIONS*

1) Did Mr. Roncarelli have the right to post bail for members of his religious community? Why might this have been a nuisance for public officials?

2) Was Mr. Duplessis’ response appropriate? Why or why not?

3) Who do you think had more power in society Mr. Duplessis or Mr. Roncarelli? Why?

4) What aspects of the rule of law did Mr. Duplessis violate?

5) How is it important to society as a whole that the SCC found in favour of Mr. Roncarelli?

6) What might the negative consequences be to society had the SCC ruled in favour of Mr. Duplessis?